

\$~70

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 642/2018 & CRL.M.A. 28959/2018 (Exemption)
RADHEY SHYAM MISHRA Petitioner

Through: Mr. Imran Ali, Adv.

versus

STATE OF NCT OF DELHI & ANR Respondents
Through: Mr. Amit Gupta, APP for the State.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **31.07.2018**

Issue notice. Mr. Amit Gupta, the learned counsel for the State accepts notice.

At joint request of the parties, the case is taken up for final disposal.

The Petitioner impugns the order dated 26th July, 2018 on which date opportunity to cross examine the PW has been closed.

It is the case of the petitioner that on the said date his counsel could not reach the court to cross examine PW5-Ram Vilas as it was a day when Delhi was blessed with heavy rains leading to traffic jams and he got held-up in one such jam; that when he was reached the Trial Court, the PE had already been closed; that the petitioner would be irreparably prejudiced if he is not allowed to cross examine the said witness. The learned counsel for the petitioner further submits that, all along, the petitioner has been pursuing his case diligently.

The court is of the view that in the interest of justice, one more opportunity should be granted to the petitioner to cross examine the aforesaid witness PW-5 (husband of the prosecutrix). Accordingly, the impugned order is modified, subject to payment of cost of Rs.3,000/- to the aforesaid witness.

The parties shall appear before the trial Court on 02.08.2018, when a date shall be fixed for cross-examination of PW5-Ram Vilas.

The petition is disposed-off in the above terms.

A copy of this order be given *dasti* to counsels for the parties under the signature of Court Master.

JULY 31, 2018

Pallavi

NAJMI WAZIRI, J